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THE

SOLDIERS' VOTING BILL

OF THE

STATE OF NEW YORK:

WITH INSTRUCTIONS FROM THE

SECRETARY OF STATE.

New York (State) Secretary of State

ALBANY:

WEED, PARSONS AND COMPANY, PRINTERS.
1864.

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OFFICE OF THE SECRETARY OF STATE,
OF THE STATE OF NEW YORK,
ALBANY, June 23, 1864.

The following decision, from the Commissioner of Internal Revenue at Washington, has been received at this department, in regard to United States stamps upon the Powers of Attorney, authorizing electors to vote for soldiers in the field, pursuant to Chap. 253, of the Laws of 1864.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
WASHINGTON, June 21, 1864.

"SIR.—In reply to yours of the 17th inst., I have to say, that where Powers of Attorney are executed by a soldier in the field, authorizing a second party to vote for him, as under the late act of the Legislature of New York, it is held by this office, that to require the same to be stamped would be subjecting the elective franchise to a restriction not contemplated in the policy of the law. No stamps will therefore be required on such warrants.

Very respectfully, JOSEPH J. LEWIS,
CHAS. PLACE, Esq., Chief Clerk State Dep't, Albany. Commissioner."

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INSTRUCTIONS.

State of New York,

OFFICE OF THE SECRETARY OF STATE, }
Albany, 1864. }

Under the provisions of the Soldiers' Voting Bill, the soldier intending to vote at any general or special election, to be held in this State, is required to fill out and execute a power of attorney (for which a blank is herewith sent), swear to it before any field officer, captain, adjutant, or commandant of any company or detachment on detached service of the United States, and commissioned as officers in the volunteer force of the State of New York, or the captain or commandant of any vessel in the naval service of the United States; also, having a witness to sign his name thereto, and authorizing some person, *who is a legal voter*, at his home or place of residence in this State, residing in the same town or city where such soldier resides, to cast for him his vote or ballot. He then must fill out the blank affidavit, which will be found printed on the outside of the accompanying envelope,

sign it, and swear to it before one of the officers above named.

After having executed the power of attorney, and sworn to the affidavit on the envelope—which may be either written or printed—he must *fold* and enclose the vote or ballot he desires to be cast, together with the power of attorney, and place them together inside the envelope which has the printed or written affidavit thereon, seal them up carefully, then place this envelope, so sealed, inside another envelope, to be marked on the outside, “*Soldier’s Vote*,” and direct it to the person to whom authority is given by said power of attorney, to cast for him his vote or ballot, and transmit the same to the person to whom it is directed by mail or otherwise. The officers before whom the affidavits are taken, must attach to their signatures their official designations.

It should be borne in mind, that the person who is to receive the soldier’s vote or ballot, and cast the same for him, *must be a legal voter* on the day of election; and soldiers should be cautious to send their votes or ballots *to none others*. Great care also should be taken in directing these letters, to write, in a legible hand, the *name, town and county*, in order to prevent their miscarriage. By reading section 2 of said Act carefully, the soldier will be able more clearly to see the course he is to pursue.

CHAUNCEY M. DEPEW,
Secretary of State.

SOLDIERS' VOTING BILL.

CHAP. 253.

AN ACT to enable the qualified electors of this State absent therefrom in the military service of the United States, in the army or navy thereof, to vote.

PASSED April 21, 1864 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In time of war every elector of the State of New York in the actual military service of the United States, in the army or navy thereof, who shall be absent from the State of New York on the day of election, shall be entitled to vote at any general or special election held in this state, in the manner and form following :

§ 2. Such absent elector shall, by an instrument executed by him, not more than sixty days previous to any general or special election to be held in this state, authorize and empower any elector of the town or city where the said absent elector shall reside, on the day of said election, to cast for him his vote or ballot, in the manner prescribed by this act, for all officers for whom he would have a right to vote if he were present at such election ; said instrument shall be signed by such absent elector, attested by a subscribing witness, and sworn to before any field officer, captain, adjutant or commandant of any company or detachment on detached service, in the service of the United States, and commissioned as officers in the volunteer force of the State of New York, or the captain or commandant of any vessel in the naval service of the United States, to which the said absent elector may belong or be attached ; and such officers are hereby duly authorized to administer oaths for the purposes specified in this act, and they shall attach to their signatures their official designations.

§ 3. The said absent elector shall make and subscribe the following affidavit: "I, A. B., do solemnly swear (or affirm) that I have been a citizen of the United States for ten days, am now of the age of twenty-one years, that I have been or shall have been an inhabitant of the State of New York for one year next preceding the election to be held on the day of 186 , for the last four months a resident of the county of " , for thirty

days next preceding said election a resident of the town (or city) of _____, and that I am now, and until said election, intend to be a resident thereof; that I have not made any bet or wager, and am not directly or indirectly interested in any bet or wager depending upon the result of said election, and I do further swear, that I am in the actual military (or naval) service of the United States, that I am now a member of company _____ of the _____ regiment (describing the organization to which he belongs), now at or near _____, in the state (or territory) of _____ (or attached to the United States vessel _____).

Sworn to and subscribed this _____ day of 186____, before me,

§ 4. The said absent elector in the service as aforesaid, shall prepare and fold the ballot or ballots he designs to cast at such election, and enclose the same, together with the instrument described in the second section of this act, in an envelope duly sealed, having on the outside thereof either written or printed, the affidavit described in the third section of this act, sworn to and subscribed as therein required. The said envelope, prepared as aforesaid, shall be enclosed by him in another envelope, marked "soldier's vote," sealed and directed to the elector empowered by the instrument described in the second section of this act, to cast the ballot of said absent elector; and the said absent elector may then transmit the same to the person to whom it is directed, by mail or otherwise.

§ 5. Such elector, upon receiving such letter from such absent elector, may open the outer envelope thereof, but he shall not open the inner envelope thereof. On the day of such election, and between the opening and close of the polls thereof, he shall deliver such inner envelope to the inspectors of elections of the proper election district, and at the polls thereof; and if the name of the person signing the affidavit, on the outside of said envelope, shall be found entered upon the register of electors of such election district as a duly qualified voter therein; said envelope shall be by said inspectors publicly opened, and the votes or ballots therein contained shall be duly deposited in the appropriate boxes prepared to receive the ballots of voters, and the name of such absent elector shall be entered upon the poll lists, together with the name of the person delivering the ballot at the polls. If such name shall not be found entered upon the register of electors of such district where such person claims to reside, such envelope shall not be opened unless an affidavit be made by a householder of the district, to the effect that he knows that said person whose vote is so offered, is a resident of said district. If such affidavit be made and delivered to the inspectors, they shall open said envelope and deposit the votes or ballots therein contained as aforesaid, and the name of the person so voting shall be entered upon the poll lists, together with the name of the person delivering the ballot at the polls. The

ballots contained in any such inner envelope, which shall have been opened or unscaled before the same shall have been laid before the board of inspectors of election, shall not be deposited in any ballot-box at such election, but shall be rejected.

§ 6. The affidavits and instruments described in the second and third sections of this act, and all envelopes containing "soldiers' votes," not opened at such election, shall be kept and filed by the inspectors of election in the same manner and place as the poll lists of such election are required by law to be kept and filed.

§ 7. Every person who shall be entitled to receive any letter or envelope marked as herein provided, before he shall take away the same, shall sign and deliver to the postmaster or his deputy or clerk, a receipt therefor, which receipt shall specify how many such letters or envelopes he has received, and otherwise, as far as may be, specify the particulars of the description thereof. And any willful omission to comply with the provisions of this section shall be adjudged a misdemeanor, and any person convicted thereof shall be punished accordingly.

§ 8. Any inspector of election and any elector to whom said ballot shall be sent who shall willfully neglect or refuse to perform any of the duties required of him by this act, or in any manner willfully violate or abuse any trust or duty hereby imposed on him, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not less than two hundred and fifty dollars, and by imprisonment in the county jail not less than four months.

§ 9. Every person who shall be guilty of willful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by this act shall be adjudged guilty of willful and corrupt perjury; and every person who shall make or sign a false certificate to any instrument or affidavit authorized by this act shall be deemed guilty of a misdemeanor.

§ 10. Every person who shall deliver or present to the inspectors of elections under this act any forged, altered or changed ballot, envelope or instrument required or provided for by this act, knowing the same to be so forged, altered or changed, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than two hundred and fifty dollars, and by imprisonment in the county jail not less than four months.

§ 11. All provisions of the law of this state relative to general or special elections, not inconsistent with any of the provisions of this act, shall apply thereto.

§ 12. The secretary of state is hereby authorized and required to prepare and have printed the necessary blank forms and envelopes required to carry out the provisions of this act, and shall cause the affidavits required by the third section of this act to be printed in blank upon proper envelopes, to contain the instrument required by the second section of this act, and shall, at least two

months previous to any general or special election, ~~cause each~~ blank forms, envelopes and copies of this act to be forwarded to the several regiments from this state, in the service of the United States, in the field, and to the several hospitals, posts and naval stations, in sufficient quantity to furnish one copy of each blank, form, envelope and copy of this act to each person in the actual military service of the United States, in the army or navy thereof, from this state, and absent therefrom. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to defray the expenses authorized by this section.

§ 13. Any officer of this state, or of the United States, or any other person, who shall, directly or indirectly, control or attempt to control any such enlisted elector in the exercise of any of his rights under this act, by menace, bribery, fear of punishment, hope of reward, or any other corrupt or arbitrary measure or resort whatever, or to annoy, injure or otherwise punish any such officer or man, for the manner in which he may have exercised any such right, shall be deemed guilty of an offense against the sovereignty of this state, which shall be punished as a misdemeanor, and for which he may be indicted and tried at any future time, when he may be found within the limits of this state; and upon conviction he shall be imprisoned for a term not exceeding one year, and fined in a sum not exceeding one thousand dollars, and he shall also thenceforth be ineligible, after conviction thereof, to hold any office in this state.

STATE OF NEW YORK,
Office of the Secretary of State. }

I have compared the preceding with the original law on file in this office, and do certify that the same is a correct transcript therefrom and of the whole of said original.

CHAUNCEY M. DEPEW,
Secretary of State.

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